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J. S. pr. — 1

Sharp Coll.

A SHORT SURVEIGH OF THE Grand Case of the present MINISTRY

WHETHER

They may Lawfully Subscribe and Declare as by the late Act of *Uniformity* is required.

AND

The several Cases thence arising, especially about the

COVENANT.

By *Some Conformable Non-Conformists*

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1 Pet. 4. 19.

Wherefore let them that suffer according to the Will of God, commit the keeping of their Soules to him in well doing as to a Faithful Creator.

Printed, in the Year, 1663.

A

SHORT SURVEIGH

OF THE

Grand Case of the present

MINISTRY

WHETHER

They may Lawfully Subscribe and Declare as by the late Act of Assembly is required

AND

The several Cases thence arising, especially about the

COVENANT.

[illegible]

[illegible]

[illegible]

[illegible]

Printed, in the Year, [illegible]

Courteous Reader,

OUr Condition is ſad, and the more ſad, by reaſon of thoſe Severe Cenſures which Sober, and Learned men paſs upon us, as if peeviſhneſs and groundleſs Scrupuloſity were the only cauſe of our preſent Croſs.

Do we need to Appeal to God that we love our ſelves? We conceive Natural Men ſhould beleive us without it; And if we may be beleived therein, can it be ſuppoſed we would not willingly receive ſatisfaction to our Doubts?

Let us tell thee we have read what hath been written to offer us ſatisfaction, but we find none.

The Grand Caſe of the preſent Miniſtry hath made the faireſt proffer, as profeſſedly written for our ſake to help the pinch of our

Caſe, but yet it hath alſo failed our expectations and left us on the Rack of our doubts, or rather Shipwrack of our Reſolutions.

Leaſt we ſhould by a ſinful Silence juſtify the ſevere Cenſures which paſs upon us; We have adventured to digeſt our diſſatisfactions in the enſuing Tract, that our hæſitancie in the conformity expected from us may be viſible, and if poſſible removed.

But now we have ſtated our doubts, we are in doubt of ſome ſevere moderation by the Interpoſition of Authority, yet why do we doubt? did ever the Engliſh Proteſtant *Genius* determine a Crime in a ſober Diſputation? We affirme nothing, only urge what ſticketh with us as the Remora to that Negation which is expected from us.

In the following Tract it might be expected we ſhould have ſaid ſomthing to the Caſe of Reordination, but we are not therein concerned; and our Reverend Caſuiſt ſaith nothing but turneth us over to Mr. *Humphry* whoſe ſad experience of the Fact he

he retracts, and yet defends, doth add no little to the real weakneſs of his Argumentation on that point; we could tell thee we have ſeen two ſeveral Anſwers to his laſt piece on this Subject, which are ſmothered leaſt their appearance ſhould break their bruiſed Reed, and add Affliction to him whom God hath grieved. Unto this Treatiſe with which we deal is added ſome conſiderations about admitting ſome inexpediencies, for the neceſſity of our Miniſtry unto this (which we think ſufficiently obnoxious to exception) we have ſaid nothing, becauſe we have admitted, and could admit many inexpediencies for the Liberty of our Miniſtry, and our Conſcience doth conceive formal, poſitive, and ſpecial ſin in what is required from us; So that until the Act be acquitted from Sin, the Caſe of Neceſſity and expediency cannot take place in our Souls.

Through the whole we wiſh it may be obſerved we may appear as Apologiſts for our non-complyance with what is required, rather then as Antagoniſts to what is affirmed

med: We have therefore propounded our own diſſatisfactions, rather then diſputed againſt what is urged by the Reverend Author of the *Grand Caſe of the preſent Miniſtry*, to whom our doubts are directed.

A SHOHT SVRVEIGH OF THE *GRAND CASE* OF THE Present Miniſtry,

VVhether they may Declare and Subſcribe as is required in the Act for *Uniformity*, in an Epiſtle to the Author of the *Grand Caſe*.

The Preface.

Reverend Sir,

VVE, *ſome of your Brethren, in compaſſion to whom you have been pleaſed to compoſe and publiſh your Candid and elaborate Tract, Entituled the* Grand Caſe of the preſent Miniſtry. *Having ſeriouſly conſidered the ſame, as being therein concerned; after ſome ſilence, have aſſumed the boldneſs of addreſſing theſe Lines unto you, thankfully to acknowledge your Zeal, Sobriety and Charity, therein expreſſed; and modeſtly to ſignify to you, it hath not made on us that Impreſſion, nor produced that effect, you might rationally promiſe to your ſelf, and our ſelves cannot but obſerve it hath effected in many others, Yet, Sir,*

2. *We*

2. *we must and do acknowledge your Grave and serious Preface, most truly stating the Case of self-created Sufferings, and the sinfulness thereof; hath seized on our Spirits with no mean force.*

3. *Truly, Sir, we are not a little troubled to apprehend men, yea wise and learned men reprehend us as* felones de se, *we have esteemed life sweet, and are pressed to persue the preservation thereof, not only in reference to our selves, but also in reference to our Wives and Children; some of them can make our hearts ake, crying for the bread of our late lost Benefices, and so keep us from any proud, profuse, contempt of the comfortable livelyhoods we did enjoy.*

4. *The thoughts of being* fures de se, *do much terrifie us, we are convinced we are not our own, our Persons, our Parts, our Ministry, are Gods, his Churches, and the Kings, from whence we may not withhold the same, for a moment unless superseded by some sin, which we dare not commit and break through for the greatest good.*

5. *You make our hearts tremble when* Boanerges *like you pronounce us,* Proditors de se, *and that in the great concernments of our Ministry, dearer to us then all our lives, as committed to us for the salvation of pretious Souls, many more then our own, or those of our own households.*

6. *The consideration of these things, have constrained us to press upon you, and to present to you our dissatisfaction (and the grounds thereof) in your serious explications of, and expostulations with us, in the matters which appear to you the* Grand Cause *of our present case, to which we beg your leave to pass with all plainness and brevity, that if you can convincingly reply to it, we may bless God for you, as our Redeemer out of our present dark and comfortless condition.*

The

The Grand Caſe.

Whether it be Lawful to declare, as is required in the late Act, Intituled an Act for Uniformity of Publick Prayers.

Pa. 1ſt.

SIR, your book doth profeſs to deal with ſuch *Who could Conform, but could not declare and ſubſcribe what is required in, and by the Act of Uniformity*; but you wholly paſs by thoſe men, who are *againſt the uſe of the Common Prayer Book*: We Sir, muſt needs confeſs our ſelves, to be Miniſters of the Ranck with whom you deale; yet we muſt profeſs we ſhould rejoyce to ſee ſome Satisfactory diſcourſe directed to the latter, many of whom we know to be men of Learning and ſobriety, faithful Subjects to the King, and profitable Miniſters in, and to the Church of God.

2. Theſe men we do diſcerne to ſtumble, at a *Liturgie, generally* (throughout all Acts in Miniſtration of Gods Ordinances,) and *Excluſively* (ſo that men muſt be tyed to thoſe forms, and none other.) *Impoſed*, becauſe they conceive the *Modifying Gods Ordinances in, and to the Church by perſonal Miniſterial Gifts, is the formal Act in and by which they muſt fulfill the Miniſtrey to them committed.*

3. Theſe men are, Sir, of Age ſufficient to ſpeak for themſelves, and do complain they have ſpoken, and are Anſwered by *Rigour* without *Reaſon*, we ſhall therefore leave them to themſelves, and being ſingled out by you, we ſhall adventure to ſpeak for our ſelves, becauſe for our ſake it is you have been pleaſed to take ſo great pains.

4. Sir, we take it for granted, you conceive the Declarations required from us, to be Tantamount to an Oath, they are to be Solemnly made in the Congregation, by Miniſters *qua* Miniſters of the Goſpel, in which *virbum ſacerdotis* is the Sacred Rivet of that Obligation, which reſulteth from ſuch Declaration, to our Conſcience in the ſight of God, and his Church.

5. On this Conſideration, we preſume you will have Chari-

table apprehenſions of our preſent Hæſiſtancie as to the *Subſcribing* and *publiſhing* ſuch Declarations, for it is a *Snare to devoure holy things, and after Vows to make enquiry*, and we ſhall in unbiaſſed Judgements weigh your grounds on which you determine this Caſe, affirmatively moving in our Obſervation, according to the Method of your *Argumentation*.

The Declarations are theſe two, by you truely Tranſcribed.

The Firſt is this.

Ea. 2. 3. J. A. B. *DO here declrae my unfeigned aſſent and conſent to all and every thing contained and preſcribed in, and by the Book Entituled,* The Book of Common Prayer, *and Adminiſtration of the Sacraments, and other Rites, and Cerimonies of the the Church, according to the uſe of the Church of* England, *together with the Pſalter or Pſalmes of* David, *pointed as they are to be Sung, or ſaid in Churches, and the forme, or manner of making, Ordaining, or Conſecrating of Biſhops, Preiſts or Decons.*

The Second is this.

J. A. B. *DO Declare that it is not lawful upon pretence whatſoever to take Arms againſt the King, and that I do abhor that Traiterous Poſition of taking Armes, by his Authority againſt his perſon, or againſt thoſe Commiſſioned by him, and that I will conforme to the Liturgie of the Church of* England *as it is now Eſtabliſhed by Law; and I do declare that I do hold there lies no obligation upon me, or any other perſon from the Oath commonly called the* Solemn League and Covenant, *to endeavour any Change or alteration of Government, either in Church or State, and that the ſame was in its ſelf an unlawful Oath, and impoſed on the Subjects of this Realme, againſt the known Laws, and Liberties of this Kingdome.*

Theſeare the Declarations which you affirme may be ſubſcribed and made, as is required, your reaſons for this your Judgement

ment you produce in the particular following Caſes, which we ſhall conſider.

Caſe the Firſt.

Whether it be Lawful to declare in the words of the Firſt Declaration.

THe firſt of the Declarations you diſtribute into two parts, Pa. 4.
that which concerneth the *Liturgie*, and that which concerneth the Book of Ordination.

2. You firſt determine concerning the latter of theſe *viz. The forme and manner of Making, Ordaining, and Conſecrating Biſhops, Preiſts, and Deacons*; and determine it Lawful thus to declare in Pa. 45.
this part of the Declaration which you thus enforce: *Moſt that have Livings have ſubſcribed this already, at their Ordination, and read their allowance of it, openly to their ſeveral Congregations upon their Induction, beſides had not this been required in the Act, who knows not that noConformity without ſubſcribing and reading the nine and thirty Articles could legally ſuffice.* To this Sir, we ſay:

3. Our queſtion is not what could *legally ſuffice*, but what may be *Conſcientiouſly* done; for this muſt not be violated unto the ſatisfaction of that.

4. Your Argument, is an Argument of fact, which if admitted true, will not conclude your Reſolution; for you well know a *facto ad jus* will not follow, moſt have done it, therefore all may lawfully do it, is Logick; which the fear of God favoureth not. Yet Sir:

5. We preſume to gainſay your confident Aſſertion, *That the moſt who had Livings, had at the writing your book, ſubſcribed the forme and manner of Making, Ordaining, and Conſecrating Biſhops, Preiſts, and Deacons, required by this Act*, cannot but conceive ſtrangely of it; we do not know the moſt who then had Livings, and therefore cannot ask them the queſtion; but we think they muſt be moſt of them *Reordained* according to the new Forme, Presbyterial Ordination had ſure been very Active, and Exten-

ſive, and Presbyters were eaſie Wheelers, who had well learned *Tempora mutantur & nos mutamur ab illis.*

6. Sir, give us leave to tell you, we had good Livings until the 24*th.* of *Auguſt* 1662. and yet we were not of the Number of thoſe who ſubſcribed this Book, *Forme and manner at our Ordination*, and we believe moſt who were then in Livings, and Epiſcopally Ordained, were in the ſame common Capacity with us, and ſubſcribed the Book which we ſubſcribed, and ſure this Book was not then born, if conceived in our Biſhops brain, it was not brought into the World many days before this Book of yours which giveth it ſuck.

7. We muſt indeed confeſs we have been informed that the moſt of the Miniſters in *Cheſhire* (and it may be ſome other Dioceſs) in zeale or love to their Livings (more manifeſt then Conſcience or diſcretion) did by a Monſtrous implicite faith ſubſcribe this Book before the 24*th* of *Auguſt*. Theſe may evince ſomething of your Argument a *facto*, and yet we muſt tell you they were not all then Ordained, and if this will conclude *ad jus*, we muſt tell you theſe men did at the ſame time, ſubſcribe the Book of Common Prayer, and both theſe Declarations, and all this they did in obedience to the Act for Uniformity before their eyes ſaw either of theſe Books; *Ergo* all may lawfully ſo do.

8. Moreover, Sir, we muſt preſume to acquaint you that we know the Reading ſo many of thirty nine Articles, *Which contain only the Doctrine of Faith, or of the Sacraments*, with an omiſſion of that which concerned the *book of Conſecration* would Legally ſuffice, we are confident you will make no more of this forme and manner of *Making, Ordaining, and Conſecrating Biſhops, Preiſts, and Deacons*, ſave a *Politieal* though *Eccleſiaſtical order*, and that neither Doctrine of Faith nor Sacraments, and an Aſſent to ſuch Articles as contain *Thoſe*, and *Only* thoſe is required by the Law; The Statute which dictateth Legal ſufficiency.

9. We expect, Sir, you ſhould reply to us, that the *Book of Conſecration Eſtabliſhed by King* Edward *the Sixth and enforced by Queen* Elizabeth, is much what the ſame with this, and therefore in ſubſcribing that, we have ſubſcribed this.

10. Good Sir, excuſe us, *ſimile non eſt idem*, there are in this book ſome Additions, and alterations which were not in that, and

and this may barr our ſubſcription to this; Moreover, Sir, the forme of ſubſcription required by this Law, is ſuch as was never required before by any law, nor given by us to any form or manner of Ordination and Conſecration. This requiring our *unfeigned Aſſent and conſent* which we unfeignedly profeſs we cannot give.

11. But, Sir, You have hit the white in your conjecture, that the *firſt part of this Declaration is that which ſticketh with us* (viz.) *that which conceerneth the Book of Common Prayer, and is thus expreſſed.* Pa. 6: Sect 5.

I. A. B. *Do declare my unfeigned Aſſent and Conſent to all and every thing contained and preſcribed in and by the Book* Entituled, The Book of Common-Prayer, &c. For, Sir, although we could have conformed, we could not, nor (conſidering what you have ſaid) can we yet make and ſubſcribe this Declaration, though we are not like Children affrighted with a *long Title*, we are not in judgement ſatisfied to declare concerning the Book what is required. Pag: 6: Sect 7:

12. We Sir, embrace your *Suada*, and *will not ſet an edge on the wordes to wound our ſelves*; yet we muſt ſay, your gloſs doth not ſo much as dull the edge your ſelf hath put upon the words; you tell us the *Object of our Aſſent and Conſent is not the words but things, there are ſeveral expreſſions which though we could ſafely read, yet we do not ſo heartily approve them, as we ſeem to be required, not every thing as there expreſſed, but every thing contained in the expreſſions muſt have our Aſſent.*

13. Sir, We muſt be bold to tell you our Controverſie is about *Wordy things*, a Liturgy, a Rubrick, a Forme, of Prayer, and the like: The queſtion is whether theſe be *right words*, to be pronounced? and a *fit form* to be uſed, that in our Miniſtry we may be bound to uſe theſe and none other, ? and as ſuch Sir, your *things* are *words*, and *matters expreſſed*, is the *Mode of expreſſion*; to which, our Conſent and Aſſent muſt be yielded; the Aſſent to a Creed may have the *matter expreſſed* for its object; but Aſſent and Conſent to a Common Prayer Book hath no *adaquate* object but the *Mode, Words, Expreſſions, Forms to be uſed and pronounced*; though Sir, we could Miniſter in and by ſome ſuch Expreſſions, we muſt be well adviſed before we declare *an unfeigned*

ned *Assent and Consent* thereunto, The Nonconformists geneally allow the matter of Doctrine, or Petition, in the Common Prayer, *expressed and contained*, and have ever quarrelled the Mode, as not a full and fit *wordy Direction* or determination of the ministration directed in and by it.

14. But, Sir, admitting your gloss; some *things contained in such expressions*, & signified by such *words*, are such to which we cannot *Assent* nor *consent*: For Instance, in the Absolution, a *word* is altered which we conceive hath altered the *thing*, (*Wherefore we beseech him to grant us true Repentance*, &c. In the old Book is a formal Prayer) but (*let us Beseech him in the new book*) seemeth to alter it into an authoritative *Sacerdotal absolution* which we are not convinced to be a standing peice of solemn Worship in every approach to God, or into a *Ministerial exhortation* of the people, and then not to stick at the impertinent *Amen* of the people, thereto subjoyned; we are to be convinced that the words of the Lords Prayer are the necessary and only lawful Petition for pardon of sin in every approach to God, yet that is constantly subjoyned.

15. Again, Sir, *Answer*, in the Rubrick is a *word*, but the direction of popular responds; the Invitation, *Accompany me with an humble voice, and say after me*, the *different Characters* in the Petitionary part of the *Letany and Decalogue* are directions for popular Conclamations, all which (be not offended if we tell you in Mr. *Croftons* Dialect) is so *directly repugnant to the Apostles rule*; *Let all things be done decently and in order*; *who in the case of extraordinary & immediate Elolitions of the spirit allowed the people no more, save an audible Amen:* That we dare not assent nor consent to things contained in these words.

Analepf. Analepth. Pa. 58.

16, Again, Sir, *Holy* is an adjunct to *Table* frequent in this book, and signifieth a *Thing* which we cannot admit; we know no *holiness* of places or Instruments under the Gospel, yet will contend that such be handsome: Sir, Mr. *Crofton* whom you specially assault hath to our knowledge opposed the *Prophane neglect, contempt, and abuse* of the Churches: *Irreverend, unmannerly usage of* the Table, reserved for the Ministration of the Lords Supper, and the *Consecration of Churches, holiness of Tables* with an equal vigor.

17. Again

17. Again, Sir, The *corrupt Translation of the Psalter, or Psalmes of* David, *pointed* (unto manifest non-sence) *to be sung or said in Churches*, varying the *Text from the Original*, yea from the truth it self, *rendring it contrary* thereunto in those several particulars excepted against by the Non-conformists, whose loud and long clamour, would have engaged the correction of errors, so gross, and obvious, yet even these things are retained and returned, as things *contained in and prescribed by this Common Prayer, book*, and to which we must declare our unfeigned assent and consent: To this, Sir, we may and must add the *corrupt Translation of the fourth Commandement*, (wherefore the Lord blessed the seventh day, and hallowed it) contrary to the Original Text, the Bible Translation, and the prudent correction thereof, made in the book prepared for and sent into *Scotland*, by our late Prelates: Though, Sir, we could submissively beare these things, our Reformation not being at the first perfect; yet before we declare our unfeigned assent and consent to such *words*, speaking *things* so falsely, we must have a better Argument then this (you are not *concerned in the Expressions*) which expressions are manifest directions, and significations wilfully retayned, and severely imposed after and against undeniable exceptions and earnest Petitions for Reformation.

18. Give us leave to add one more (*viz.*) those words in Baptisme; *It is certain by Gods word that Children being* Baptized *dying before they commit actual sin, are undoubtedly saved.*

19. Sir, it is true, these are but *words*, and *an expression*, but these words contain in them a *Position and Doctrine* asserted with the certainty of an Article of Faith, to which we cannot consent: we can Christianly beleive the Regenerating Nature, Use, and efficacy of Baptisme, and charitably hope the salvation of such who die subjected thereunto, but that the *undoubted salvation of all baptized Infants dying before they commit actual sin is certain by the Scriptures*, We confess we cannot see, nor do we beleive, we do beleive Gods Soveraign *Election* and *Reprobation of persons*, The Scripture doth declare, *God loved* Jacob *and hated* Esau, *the Children being not yet born*, much less Baptized, nor *having done good or evil, that the purpose of God might stand according to Election not of works*, that all who pass under the administration of a saving

Saving Ordinance are *Undoubtedly ſaved* is not cleare from Scripture, but rather the contrary, things that are revealed belong unto us, and to our Children.

19. We cannot but hope you will in a ſecond review of theſe, and the like expreſſions, finde our aſſent and conſent is required to theſe *Words*, which *Without forming an edge to wound our ſelves, do contain and preſcribe things* to which no rational man in his right minde can declare the ſame.

20. We now proceed to conſider another Objection which you ſtate and reſolve in this Caſe, *viz.*

Pa. 7. Objection 2: *Though we could Uſe the things, it is only for peace ſake, and in obedience to Authority, and not that we would chuſe or can abſolutely approve of theſe things indifferent.*

To this Sir, you tell us we may not approve *Abſolutely* but *Comparatively.*

Pag: 8: The firſt you ſay in *Charity to our Governours we conceive to be required in the Declaration, becauſe it is impoſſible, all men ſhould in ſo many perticulars, and various Circumſtances be of one minde:* But Sir.

21. We humbly conceive we do not break Charity to our Governors, if we conclude that they knowing *all men could not in ſo many perticulars, and various circumſtances be of one minde*; and believing *Unanimity* to be the bond of *Uniformity*, did determine to knock off from publique Miniſtration in the Church, all who were not of the ſame minde, and who would not Declare the ſame in ſuch words as were by them preſcribed.

22. Truly Sir, we ſee very little cauſe to believe the Act will allow ſuch a *Comparitive approbation of the Common Prayer book* as you do expreſs. It might ſomthing ſatisfy us, if we had our aſſurance from our Legiſlators that ſuch a Comparative approbation would ſatisfy the *Law*, but they are herein ſilent, and the Law giveth not ſufficient Reaſon on which we may conclude it.

23. You ſay the *Grounds of this Aſſent and conſent are not ſpecified in in the Act*, if by the *Grounds* you mean the *Reaſons inducing the Legiſlators to require ſuch an aſſent and conſent*; we muſt be bold to deny what you affirm, and intreate you to let us know what you make theſe words in the Act; *Now in regard that nothing*

nothing conduceth to the ſetling to peace in this Nation (which is deſired by all good men,) not to the honour of our Religion, and the propagation thereof, then an Univerſal agreement in the publick worſhip of Almighty God, and to the end Uniformity may be effected, it is enacted &c. Sir, we know not how to underſtand an *Engliſh* Law, if *Univerſal Agreement*, and *Uniformity* to be effected, be not declared Grounds for enjoying ſuch a Declaration of Aſſent, and Conſent.

24. Such a *Comparitive Aſſent and Conſent*, as you aſſert will not well paſs as *unfeigned*, avoiding a *ſevere Penalty* ſecuring *a good Living, and a Legal opportunity of ſerving the Church, not ſhewing our ſelves croſs to Authority, and delivering our Family from ruine*, are bad enducements to an *unfeigned Aſſent and Conſent* all men will underſtand them Temptations to a *Faint unfeigned Aſſent and Conſent*, let what will be required, if this compariſon may bear weight, it ſhall not paſs without an unfeigned Aſſent and Conſent. Pa. 9:10

25. Sir, we ſee with little cauſe you have to quarrel, that it is reported the Aſſent and Conſent declared muſt be *Free*; For Sir, this *Freedome* is neceſſary and Eſſential to *unfeigned*: An Act *Extorted* will never be judged *unfeigned*, but ſuſpected of Hypocriſie; if any report it to be expreſſed in the Declaration, let them beare their blame, but truely we think it is unavoidably implyed. Pa. 10.

26. Sir, *To remove all ſcruples from us for ever, you offer us the Act for the interpretation of it ſelf*, It would to ſome of us be worth ſome hundreds by the year, if you could lend us your underſtanding alſo; we grant to you that *the words, immediately forgoing the Declaration are theſe; Every Miniſter ſhall declare his unfeigned Aſſent and Conſent, to the uſe of all things in the ſaid book, contained and preſcribed in theſe words and none other*; But what then. Pa. 11.

27. We agree with you, we muſt declare our unfeigned Aſſent and Conſent but to what? *To all things with reſpect to their uſe, and that in theſe words, and no other*; But Sir, that this refereth our Aſſent and Conſent to the *uſing Act*, and *That only* we cannot ſee, theſe Acts have for their Object, *All things contained & preſcribed in and by the Book of Common Prayer, &c.* And the *uſe*

thereof is the *End* of this Assent and Consent, so that the Act puts this plain Interpretation on the required Declaration, *Every Minister shall Uniformely use the book, but unanimity being the spur and bond of Uniformity, they shall declare an Unfeigned Assent and Consent to all things contained and prescribed in and by the book*; So that we must *Use* the Book with a *Minde* perswaded of the *Truth and Goodness of the things to be used.*

28. This Sense of the Law we are induced to receive because.

1. This Declaration *Respecteth the use of the Comomon Prayer*, and is the *Security of Unfeignedness in that Act*; the use of it without a *Minde fully Assenting* to the things contained, and *Freely consenting* to the things prescribed in and by this Book, would be but formal, forced, and feigned; we are confident our *Legislators* intended to obviate all haltings in Conformity, and this is only done by requiring an unfeigned *Assent and Consent to the use*; upon an unfeigned *Assent and consent, to all and everything therein contained and prescribed.*

2. The *Use of the book* is not once mentioned in the Declarations as the Object of the *Assent and consent*, but the *Things therein contained and prescribed* are ever expressed in the Declaration, and the *Use of it* is expressed in the Law, only as the *End* secured by the Declaration.

3. *Universal agreement in the publick Worship of Almighty God*, is declared to be the ground of this Law, and *Uniformity is the end* thereof, both which can be only effected by the *unanimity* of the Administrators, in the things to be by them uniformely used.

4. The using Act is provided for, promised, and secured by the next following Declaration in these tearms, *(I do declare that I will Conforme to the Liturgie of the Church of* England *as it is now Established by Law,)* Conforme; what is that to a Minister? But that I will *Use it*, and the *the things contained and prescribed in and by it*: This is Sir, your own sense of *Conformity*; and sure Sir, you will not say this second Declaration doth *Actum agere* do over what was done in the first Declaration, these two must differ each from other; That Declareth Assent and Consent to the *Matter and Things.* This to the Act *and Use thereof*; Sir, until your sense of the Declaration be cleared from these exceptions

tions or declared by the *Legiſlators*, give us leave to tell you *We could do ſome things directed in the Rubrick, but cannot Aſſent or Conſent to the direction.*

We could at the Communion *commend the poor to the Charity of the people*, but we underſtand not their other *Devotions* to be then gathered, the affected title *Offertorie* maketh it look like ſomething exploded at our firſt Reformation from Popery.

We could *receive the Collection from the Deacons or Church-Wardens and place it on the Table*, but we underſtand not the *humble preſenting and placing it on the holy Table*, it hereby ſoundeth like a *Sacrifice*; we could *Eate and Drink the remaines of Bread, and Wine with ſome of the Communicants*, but we know no diſtinction (Communion ended) between *Conſecrated* and *unconſecrated Elements*, nor ſee we on what ground to Conſent and Aſſent that the one be *Eaten at the Holy Table by the Preiſt and Communicants*, and the other *Taken home to the Curates Houſe*.

We could hanſomely cover the Bread with a Napkin, but we underſtand not what is meant by *Reverent placing them on the Holy Table, and covering them with a Linnen Cloath*, nor can we Aſſent or Conſent thereunto.

29. Reverend Sir, Our Fathers were, and our ſelves might be content in ſome things to Symbolize with *Rome*, when our face was from hers, but we cannot unfeignedly Aſſent and Conſent unto ſuch Simbolizing with her; Now moſt men think, and Nonconformiſts boldly affirme our face is towards her, yet we pray for the peace and Glory of *Englands* Church, that the Goſpel may in her Flouriſh in Power and Purity.

Case II.

Whether it be lawful declare in the words of the second Declaration.

Case. 2th. Pa.13:14

1. SIr, we must tell you, *The many words in this Declaration affright us not*, yet we cannot but be affected to observe the persons who quarreled at the Covenant, to impose an Oath, or Declaration Tantamount, so full of words, *Turpe est Doctori.*

2. But we consent to attend your motion in taking this Declaration in peices, and you distribute it into three parts, that which concerns the *Taking Armes against the King*, *Conformity*, and the *Oath, called the Solemne League and Covenant*, in each of which we shall consider your resolution and Reasons; The first part you divide into these two Cases.

Case III.

Case 3. Pa. 15:

1. *Whether it be lawful for us to delare that it is not lawful upon any pretence whatsoever, to take Armes against the King.*

Case IV.

Case 4. Pa.16.17.

2. *whether it be lawful to declare that we abhor that Traiterous Position of taking Armes by the Kings Authority, against his Person, or those that are Commissioned by him.*

1. SIr, These two you conclude in the Affirmative on so sharp promises that none dare, or in prudence can speak the Negative, or withstand you; *Tower* and *Tyburne* are terrible places.

2. This part of the Declaration doth not much concern us; our

our oppoſition to the late Rebellion againſt the King, our reſiſtance of the Armes taken againſt him; our conſtancy of Loyalty under the Croſs; do loudly witneſs you and we cannot be in this particular at any great diſtance; yet we know ſome Loyal hearts who ſtumble, for whoſe ſake we wiſh you had more thoroughly argued thoſe Caſes by ſome *Medium* which they might venture to meet you at, we will tell you what we have heard whiſpered by men of Loyal hearts.

3. Some ſay this Declaration is the *perſonal affection of a preſent private opinion*, which being changeable can give no ſecurity, and ſo reacheth not the end for which it is exacted; theſe men in zeal to his Majeſty could paſs a *Promiſſory Oath* that they *would not take Armes againſt the King*, for they conceive their Act is fully within their power, though the ſtronger reaſons they may meet with in men or books, may alter their preſent opinions though declared under the moſt ſacred Oath.

4. Some ſay this Declaration is *Dogmatical*; by perſons whoſe Opinion cannot end the Political ſtrife which hath been, and is in the World about it, and ſo it cannot reach the end of ſo ſolemn Declaration. Theſe ſtumble that the tearms are ſo indefinite as to render the Poſition applycable to every Kingdome.

5. Some ſay the tearms are *dubious* if not falſe, it being indefinitely inſerted, *It is not lawful to take Armes againſt the King, on any pretence whatſoever*; Theſe think though this may be true, and ſquare to the Lawes of *this Kingdome*, the conſtitution of other Kingdomes may make it contrary, and although *our King is*, and we hope ever will be ſo qualified that in reference to him it may be true; yet it is not impoſſible for a King *Regis perſonam exuere*, in a natural or moral madneſs, or Phrenſie, to turn Tyrant, yea Beaſt, waving his Royal Place, violently extrajudicially, extramagiſterially to aſſault his Subject, as *Saul* did *David*: In this caſe men think Nature doth dictate it, and Scripture doth juſtifie a man, *Se defendendo vim vi repellere*, to take Armes, though by rallying the men of *Belial*, not to *reſiſt* yet to *reſtrain* the King, and thoſe who are Commiſſioned by him, until they make good their retreat, and more ſafely run out of his reach: And this Sir, is ſome pretence, on which to ſpeak of the *Law of Nature*, is not as you affirme a *Subterfuge*, and in anſwer to your

what

what saith the Scripture? they say it seemeth to be their *Sheild*, this pretence being square to and consistent with professed obedience.

6 To some it soundeth harsh to declare it a *trayterous Position to take Arms by the Kings authority against the Kings person or those Commissioned by him*, these will not be perswaded that if Queen *Elizabeth* had by vertue of the broad Seal, (brought to her in Sanctuary by the then Arch-Bishop of *York*) arrayed and armed men against *Richard Duke of Glocester*, possessing the person of King *Edward* the *5th*. she had thereby become a Traytor, these men think it not impossible for *England* again to see a perfidious Protector of the person of an Infant-King, and tremble to think that this Declaration may become the *basis of Treason*, and *Guard of Rebellion*, if some Ruffians should (which God defend) seize the person of a King, he is a man from whom Commissions may be by fear extorted, whereby true Loyalty must be on their side, and Treason on the part of the Kings Counsel, Kindred & Ministers of State, if Arming against his Person, by his Authority though on such a pretence, *quo posito absurdum sequens non est ponendum*; But Sir, these are a *Noli me tangere* which we shall not defend.

Case V.

Case 5th. P. 2. 19. 20. *Whether it be Lawful to declare that we will Conforme, to the Litturgie of the Church of* England, *as it is now by Law Established.*

THis Sir, is the second part of the Declaration to which you have said little, and we shall say less, only mind you that this declaring *Our Assent and Consent to the use of the Liturgie*; the foregoing Declaration doth determine *Our unfeigned Assent and consent to the Things and Matters to be used*; that *unanimity*, is the spring and spurr, ground and guard of this promised Uniformity.

2. But Sir, we hasten after you to the Consideration of the third part of this Declaration, which concerneth the Solemn League

League and Covenant, which is, indeed, the *Great Mountaine in our way*, to be removed by a faith of Miracles; This you do again divide into three parts, its Obligation, its unlawfulnes in its self, and its Oppoſition to the Laws and Liberties of this Kingdome, but your Reſolution is to the particular Caſes following.

Caſe VI.

whether we may lawfully declare in theſe words, I do hold theſe lies no Obligation on me nor any other perſon from the Oath commonly called the Solemn League and Covenant, to endeavour any Alteration of Government either in Church or State. Caſe 6th. Pa. 221: 23.

1 TO this, Sir, you tell us it is *No great venture to ſay ſuch who have taken the Covenant may thus declare*, This we confeſs is *facile dictum*, but the *quod demonſtrandum reſtat*; the convinceing demonſtration of this hath made many learned men ſweat, and appeareth, *Hic labor, hoc opus*, a knot cut by the ſword of Authority, whilſt it cannot be looſed by Religious Reaſon.

2. We conſent to your conceſſions to the conteſtors for the Covenant (*viz.*) *That the Covenant illegally taken and given may bind: Secondly*, That *it binds not to alteration of the Government of State: Thirdly*, *That the unlawful matter made it void*, ipſo facto: *Fourthly*, That Mr. *Croſton, and the Covenanters-plea do grant that the unlawful matter doth void the Covenant ipſo facto.* But now Sir, give us leave to call for your ſtrong Reaſons.

3. Here Sir, you pitch, and your work is to prove that the *Covenant ſo far as it engageth the Takers of it againſt Church Government to the Exſtirpation, or change of it is unlawful, and ſinful in the matter of it*; This made good *Nobis eris magnus Apollo*: We ſhall therefore with all dilligence obſerve your motion in maintenance hereof.

4. Your firſt onſet is by D. *Saunderſons* diſtinction of *Iuramentum illicitum de ſe, & per accidens*, and you grant the matter of the Covenant, is not *ſimply and of it ſelf unlawful*; your Antago-

niſt

miſt lye ſtrongly entrenched in this, and thence defend the Covenant againſt all other aſſaults, it had been a noble Enterpriſe to have beaten them at this weapon; but *ad impoſſibile nemo teneatur*: We joyn iſſues with you on the ſecond, and wiſh we may ſee you may prove the Covenant *Ratione ſubjecti* by the accident of its *Takers condition and Capacity* is unlawful in the matter of it; Yet Sir,

5. We muſt make bold to minde you that the learned Caſuiſt (on whom you depend in this Caſe and Determination) hath determined with an *Ordinary*, his words are *Hac Iuramenta ordinarie non obligant, ordinarie dico quia fortaſſe poſſunt dare Caſus in quibus Iuramentum quod videtur alicui legi communitatis aut vocationis adverſari, & ſi non debuerit ſuſſepi ſuſceptum tamen poteſt obligari*; Sir, we ſtudy looſing, not binding in this great Caſe, yet cannot but ſay on all ſides the Covenant is confeſſed to be an *extraordinary Oath*, and it is a queſtion whether it can be brought within your Caſuiſts *Ordinarie*, the advocates of the Covenant think it no hard taske to bring the Covenant into your Caſuiſts *Exception*, and ſo conclude *Suſcepi non debuerit ſuſceptum tamen obligat*, we leave it to them if they dare to make it good, our work is to weigh what you ſay to the contrary.

6. Addreſſing your ſelf to your proof you have moſt prudently waved the *Ius divinum* of your Church Government, which to affirme *Non multum ab inſania differt*; you conſider the Covenanters as *ſingle Perſons*, or as *vinted in the great body of the Nation*; Now Sir, your field fills us with a reviving murmer, of of which alas we muſt ſit down and ſing.

Expectata ſeges vanis illuſit arenis.

Case VII.

Whether any private or single person can lawfully endeavour the alteration of Church Government by vertue of the Covenant. Case 7. p. 26

1. SIR, *This* (you say) *seemeth much to be the proper Case, because the Parliament which imposed the Covenant are dissolved and become private persons.* But Sir

2. Do you not here build on a *Petio principii*? That the long Parliament is *not dissolved*, we dare not say; but it hath been said: and those words in the Statute which concerneth their continuance, *whatsoever shall happen or be done to the dissolving them shall be void and null*, are a stone at which our Consciences cannot but stumble whilst we are in obedience to present Laws submissively silent.

3. You conclude the Covenant to be onely *private* and *personal* an obligation on *single persons*: but Sir, Mr. *Crofton* hath affirmed, it is *publick* and *National*, *Iuramentum reale* obliging *all the Nation*, and all *after-Generations*, *fide Anglorum* thereby engaged. This he hath demonstrated beyond our capacity of contradiction and enforced by the consentient judgement of 600. Divines most of them yet living. You, Sir, are pleased to tell us, you have not used one Argument answered or prevented by Mr. *Crofton*; yet Sir, you nor any other have not so much as attempted an Answer to this Position of Mr. *Croftons* which stands intire and unassaulted. *Anticlepsis* Sect. 6. Pa. 138.

4. You suppose each single person who swear the Covenant in such a capacity, as to be concludent by your subsequent Arguments; The Truth is, our Affections are such, as make us wish it were so, but to satisfie our Consciences in *abjuring* (you are angry at that word, we will therefore say disclaiming,) *the Obligation* of the Covenant, we must have our Judgements convinced it is so, because our Declaration doth disclaim the Obligation of the Covenant on our selves *or any other person*; which cannot be done if we conceive any person to have taken it who is not in the same common capacity with our selves.

5. Upon these ungranted Principles you conclude, for such to

ſtand ingaged by a publick Covenant againſt a ſetled Government, to *endeavour the exſtirpation or change of it*, is palpably ſinful; both as ſuch a Covenant, and ſuch endeavours are againſt the Right of the King; the Lawes of the Land, the priviledges of Parliament, Liberties of the Subject; and former obligations laid on the Nation, all Arguments of weight; but ſo ſick of a *Noli me tangere*, that they ſound in our ears, a *Ne plus ultra*. Edge-tools which make your Antagoniſts cry *Tol'e legem, & fiat diſputatio* Who dare touch at them, did not your ſencures of us as *Fures, Felones, proditores de ſe* cut our conſciences and conſtrain our conſideration and utmoſt endeavours of conviction; we therefore affirming nothing, will adventure to weigh your following demonſtration of the ſinful matter of the Covenant in reference to thoſe particulars.

Caſe VIII.

Caſe 8*th.*
Pa. 28.29. 30. *Whether to endeavour to alter the Government of the Church be againſt the Right of the King.*

Caſe IX.

Caſe 9*th.*
Pa. 32.33. *Whether to endeavour thus againſt the Right of the King as obliged thereunto by the Covenant, be ſinful.*

1. THeſe two Caſes contain your firſt Argument to prove the matter of the Covenant ſinful and unlawful. An Antagoniſt would much quarrel at your method, management and terms in his diſcourſe: but we ſeeking ſatisfaction purſue your ſcope, and paſs by ſuch Peccadilloes.

2. Your major Propoſition is determined in your ſecond caſe, (*viz.*) that to endeavour againſt the Right of the King as oblieged thereunto by the Covenant, is ſinful.

3. In this, Sir, we ſhall not diſſent from you, we find Mr. *Croſton* grant it, candidly conceding to the *Oxford* Reaſons, [that no peace can be firm and well grounded which is not bottomed in Juſtice, whoſe proper and adæquate act is *Ius ſuum cuique*, unleſs the Authority

hority, Power and Liberty, of King, Parliament and Subject, be preſerved full and entire; he therefore cryeth out Specifie the defect in this Covenant as to theſe particulars, *I cannot read or underſtand if they be not all ſecured by the ſame*] Truly Sir we cannot but do the Covenant that right, as to obſerve, *it bindeth its Subject*, to preſerve the Authority as well as the Perſon of the King, and we cannot eaſily believe *it bindeth*, in any thing againſt the Kings Right.

3. We hope, Sir, we may without offence obſerve, the Kings *Right of Prerogative is ill pleaded* by ſuch who themſelves deſpiſe and diſregard it, diſobeying the directions of his Royal Declaration, concerning Eccleſiaſtical affairs dictated by his Supremacy in Eccleſiaſtical cauſes; they give cauſe to be ſuſpected to throw it in the way of Antagoniſts as a ſtumbling ſtone on which to break their legs or necks, who uſe it as a ſtepping ſtone in the way of their unwarrantable rigour and ſeverity.

4. *Sir*, we are ſo heartily devouted to the ſervice of the King, that we dare not in the leaſt detract from his Royal Prerogitive; we well know *England* hath its Statute *de Prerogativa Regis*, as *Rome* had her *Lex Regia*; we unfeignedly wiſh this were amplified and made as legible as other Statutes: yet, Sir, the ſevere cenſures paſſed in Parliament upon Dr. *Manwaring*, and *Sibthorp* do loudly proclaim a poſſibility for Church-men, to ſcrue the Prerogative of the King beyond its due pitch, and the proportion of *Englands* Conſtitution.

5. Your Major propoſition allowed, we might weigh your proof of the Minor, (*viz.*) your Eighth Caſe, To *endeavour to alter the Government of the Church*, is againſt the Right of the King.

6. To the proofe of this you tell us, it is againſt the Right of the King as Executor of the Law: and you aſſign for your firſt Reaſon, Church-Officers are the Kings Commiſſioners, & they taken away the head muſt fall; Good Sir give us a cleare Anſwer to theſe two Enquiries.

1. Are Eccleſiaſtical Officers eſſential to the Regality of the King; *No Biſhop no King* hath been an *Eventual*, but is it a *Moral* truth? Were there no Kings where there was no Biſhops? Were not Kings in Nations, when all Church Government was in the *Pope*, and his Subſtitutes? Supremacy in Cauſes Eccleſiaſtical may

add to the glory but not the being of the King; *Erastus* himse would not say Kings cease to be King: if they minde, meddle not with, Church-affaires; we are not yet perswaded that a Royal head must needs stand on Religious Shoulders, and fall when these are withdrawn.

2. Are these specifical Commissioners essential to the Kings Regality, that, Arch-Bishops, Bishops &c. taken away, this Head must fall? May not National, Privincial, and Classical Presbyteries become the Kings Commissioners in the stead of Arch-Bishops, Bishops, Deans, Commissaries, Chancellors, &c? May not the Kings Supremacy exsist in, and be executed over, and by them, substituted thereunto?

7. Your first *Medium* seemeth to be of little force to prove, To endeavour alter Church Government, is against the Kings Right as Executor of the Law: your next is more general (*viz.*) Constantly to endeavour to extirpate the Government of the Church, doth directly oppose the whole course of our lives against the Kings Government; and that, say you, is the sense of the Covenanters themselves.

8. Sir, If you had said, To endeavour to extirpate, doth oppose us nito this Government the whole course of our affections, you had indeed spoken the Covenanters sense; yet they will not stick to extend it to the whole course of our lives, under those limitations, Acts lawful, *In our places and Callings, through the grace of God.* But, Sir, they will tell you, These are Acts of endeavour for extirpation, other then what you mention: such are theological disputation, submiss supplication, popular Groans, or Complaints of greivances by and under it, which are consistent with submission to it whilst existent, thus it may be in all Corperations, and the Church is not excepted.

9. But, Sir, some do and will deny this Government to be the Kings Government, Established and animated by the Laws whereof it is his Right to be Executor: this you attempt to prove, and in its time and place we shall consider; At present let it be observed, this Government was not at first animated by the Kings authority, Acted not in the Kings name, but challenged sometimes a forinsecal, but ever a Divine intrinsecal power, for its principle distinct from, yea opposite to the Kings Authority: its subjects were with much difficulty, and the pinch of *Premunire* brought to the submission of the Clergie, after which the Kings Laws have indeed limited

ted, restrained, regulated, directed, and in some things authorized these Governours, who yet Acting in their name, and under their own Seals, and affirming themselves to be the upholding Essential animation to Regality, by their Cry *No Bishops no King*; make Covenanters conceive, they yet think scorn to own this Government as animated by the King and his Laws, though they object it as a stone, on which they wish to see their Oppressers run their heads until they dash out their brains.

10. You further urge *To endeavour the alteration of Church Government is against the Right of the King as Legislator*; the Covenant binding to do, without the Kings consent, & whether he would or no. Pa. 30.

11. *Sir*, to this we must tell you, we do not finde in the Covenant any such words as that we shall endeavour to extirpate or alter the Government without the Kings consent; nor do we finde in it any words which by a fair and genuine construction can bear any such sense, and we finde the Covenanters do deny it: Mr. *Crofton* whom you most assault doth own the King as chief, though not sole Legislator, and allots Acts of endeavour to procure the Kings consent, to which the Covenant, he saith, doth oblige. *Anal lepf.* *Anal lepth.* Pa. 98. 99

12. Truly that limitation on the Covenant is so just, full, and legible (*viz.*) *Through the grace of God in our places and Callings*, that we cannot but yeild to Mr. *Crofton*; the defence of the Kings power, is not repugnant to the dutys of our particular Callings, and Capacities. I hope, a Minister may by his preaching, or a Divine by Disputation in the Schools endeavour the Correction, Reformation and Extirpation, of any Error, Heresie, Schism or Superstition, and yet not intrench on his Majesties Jurisdiction, yea, in reference to a judicial Correction, Reformation and Extirpation, which cannot be done without the Kings consent, mens endeavour may be in their places and Callings by Counsel, Proposals, Remonstrance, Petition and Supplication to procure his *Majesties* consent, and Authority: *Sir*, this limitation is so clear, and comprehensive that we think, *if the King please*, is so fully conditioned in the Covenant, that it must be procured to effect the extirpation Covenanted, only the Covenanters stand obliged to a constant endeavour to perswade and procure the same. *Id* p. 27. 6

13. The condition in which the King was when the Covenant was made, we cannot commend, we can not but lament and

and condemn. Yet Sir, to do all men right, [the Meſſages, Remonſtrances, and Petitions of the two Houſes of Parliament, the conference at the Iſle of *Wight*, the Votes upon the Kings Conceſſions, (though but to ſuppoſed Epiſcopacy for three years, the violence to which themſelves were expoſed] do loudly witneſs all faithful Covenaters did conceive themſelves bound to procure the Kings conſent, not to exſtirpate this Government, as you ſay whether the King would or no.

13. Now admitting what you ſay to be true, the Government of the Church is under the King, the alteration thereof did concern his power, & the King gave not conſent unto the Covenant, yet you finde ſomething doth intercept your concluſion; For Sir, there are Acts of endeavour for Alteration and Exſtirpation, which are lawful proper to Subjects, and conſiſtent with the Kings Executive, and Legiſlative Right and power, yea unto the perſwading and procuring his Conſent and Concurrence to and with the ſame.

14. You Sir affirme the King did not conſent unto the Covenant but did Proclaime his diſſent.

15. The Proclamation againſt the Covenant hath been often urged, and by the advocates for the Covenant admitted, yet it remaineth upon us a doubt, whether there ever were any ſuch Proclamation; we do not conclude it, but ſhall give you the grounds of Conjecture: (1.) We never ſaw it, nor Copy of it, (2.) The Anticovenaters, neither *Oxford* Reaſons, Doctor *Langbain*, Doctor *Gauden* who laid much ſtreſs upon it, have ever produced it, or tranſcribed its Copy; Doctor *Featly* his Ghoſt (as Mr. *Crofton* calleth it) gives us by miſtake the Proclamation againſt the Vow and Covenant, inſtead of the Proclamation againſt the Solemne Leage and Covenant: (3.) His Majeſty in his Meditations on the Covenant maketh no mention of ſuch Proclamation, and only aggravateth the ſame as impoſed without his conſent, not againſt his Interdict.

16. Sir, be pleaſed to help us to a copy of this Proclamation, and inform us where to finde the Original, for until it be produced the Anticovenanters have no ground on which to ſtand, nor can the Obligation be (without it) voided; your Probleme whether the Kings future conſent could revive it, doth fall, until it appear he did fully formerly void it.

17. Sir

17. Sir we readily ſubcribe *Ameſius* his rule [*Datur irritio juramenti aliquando per Superiores* but it muſt be [*in illa ipſa materia ſint Superiores circa quam verſatur juramentum*] But ſir Mr. *Croſton* hath told us the Effect cannot be produced without the conſent and concurrence of Superiors, but the Act about which the Covenant doth converſe and to which it doth obliege is fully within the power of the inferior or ſubject; he urgeth from the Reverend Biſhop of *Lincoln*: [*vix quenquam qui gaudet uſu rationis, ita plene ſub alterius potestate eſſe, quia ut ſit quantum ad aliqua ſaltem ſui juris*] and it interreth, I hope no adult child, on obſervation of the irregulatities in the Government of a Family ſhall be barred from vowing in his place and calling, to his power and capacity, to reform the ſame; exſtirpation is a parental Act, but the child may endeavour, and he doth conclude of this Covenant [*Obligat hoc genus juramenti non ad effectum ſed conatum*] Again Sir, *The Superior muſt in the day he heareth of it rennendo renuere, tollendo tollere*; you muſt let us ſee the Proclamation before we can conclude our Superior did thus void this Oath. *Anulcpſ. Anuleith.* Pa. 121

18. Sir, your Proclamation allowed, you are of Divines the firſt, who hath made it a Probleme, Whether the Kings after conſent could revive the voided Oath, *Secunda cogitationes ſunt meliores*, Parents may, on ſecond thoughts, allow what in paſſion they may condemne, their condemnation is not fatal, and irrecvocable. The caſuiſt Prelate hath determined Impoſſibility ariſing from the right of another may be removed by after conſent; and this once removed the Oath binds; It is not clear the late King did void this oath, but it is clear he did declare *Good men ſhould beſt pleaſe God and me by keeping the Covenant.* And as things now ſtand doth witneſs this Declaration to be the reſult of ſerious and ſecond thoughts. Doct. *Sanderſon.*

19. You Sir, in cloſe of your Argument, tell us *The ſword cut off the hard bargain for ſuſpenſion of Epiſcopacy for three years, and the objection with it*; Let us make bold to tell you, the ſame ſword brought our ſucceding Superiour under a more and expreſs aſſent unto this Oath, and mandate to all his ſubjects to advance it: Sir it is a Probleme which we cannot reſolve; Whether political parents being changeable, (*One Generation paſſeth and another cometh*) he who ſuceeding exiſteth our preſent Parent do not by his mandate obliege us to the Oath diſallowed by his Predeceſſor, whoſe interdict Pa. 36.

dyed

dyed with him. Sir, we offer this to be considered; we do not conclude it: for so to do who seeth not it is neither safe nor prudent.

Case X.

Case 10th. pa. 37. *whether the covenanting to endeavour the exstirpation of Episcopal Government, be against the Laws, and consequently sinful.*

1. YOur resolution to this Case is most-what a recapitulation of your former Argument obnoxious to much exception, but we resolve not to stumble at termes and expressions, but to weigh the strength of Reason, seeking satisfaction to our consciences, that if possible we might again recover our *Livings*, this (we note) urgeth your second Argument, to prove the matter of the Covenant unlawful because against the *Laws*.

2. You observe, Mr. *Crofton*, and *the Covenanter plea* deny Episcopal Government to be Established by Law, which, say you, to prove, is a taske impossible. That is true, for they cannot prove a Negative, if you make good the contrary you do the work as proper for you, as *Negation* is proper to them, *Affirmanti incumbit probatio*,

Pa. 39. 3. But, Sir, your plain distinction will not serve the present turne, it is this, we *endeavour against Law when the thing is Established by Law, or cannot be Established without Law*: Pray Sir, is it against Law for Subjects, much more Legislators to endeavour the alteration, yea the abrogation, of some Laws and things thereby established; this is that your Antagonists affirm must be proved and brought into the conclusion to prove the matter of the Covenant against Law, and consequently sinful: May not an obedient Son of the Church, burdened with some Administration, authorized by Law, endeavour by all just means and swear he will so do, to have that Law repealed, if so how poor is your plain distinction.

4. But you doubt not to assert that such an endeavour to Extripate Church Government as was Covenanted was against the Law both Antecedent to the Covenant and subsequent, this done would much availe; we shall attend your evidence.

Case X.

Case XI.

whether the preſent Government of the Church were Eſtabliſhed by Law in England, *before the taking of the Covenant.* Case 11th. Pa. 41.

1. TO this, you profeſs you have no inſight into the Laws, but ſo much is in the ſurface of them, that you wonder at the doubt; we do Sir, believe you; for in the Index of the ſtatute book, there is ſo large a Table of Biſhops, Arch-Biſhops, &c. that it may well be wondred that any ſhould doubt whether this Government be eſtabliſhed by Law. But had you taken the pains to read and conſider the nature of the Laws, you would find *Fronti nulla fides*, your inſight would find wanting what a ſuperficial verive of the ſurface concludeth preſent.

2. The fallacious uſe of, eſtabliſhed by law, is in your own fancy your Antagoniſts never did limit it to an appointment of Statute, but have traverſed the Canon, Civil and Common Law, and in none they find an eſtabliſhment by Law, but have put the aſſertors thereof to prove it, which task you have undertaken, and thus you argue.

3. *Is it not pritty to obſerve that learned men ſhould be ſo far ſubdued by prejudice, as to queſtion, whether* Epiſcopacy *be eſtabliſhed by Law, when Epiſcopacy hath ſo long had an hand in eſtabliſhing the law it ſelf.* Pa. 42.

4. This Argument hath, Sir, little force, we ſhall not be laughed into a perſwaſion, that Epiſcopacy is eſtabliſhed by Law; and ſuch eſtabliſhment is a *non ſequitur* to the Legiſlative Act of Biſhops; it cannot be both cauſe and effect, its præexiſtency to the Law doth ſuppoſe unto it a more ſublime principle then the Law, which we know not unleſs it be that of Nature, or Scripture, or (as the Covenanters-plea doth well obſerve) the Romane Papacy, which for inſecal power exiſting in *England* as other Nations uſurped a Legiſlative power, which it yet holdeth by this Epiſcopal root.

5. Sir, Would it not be pritty to hear a Jeſuite retort and prove

your Argument, crying is it not pritty to observe learned men, and Prelates are so far subdued to question whether the papacy were established by Law, when the Papacie for a thousand years established yea made lawes to Christian Nations, and disposed their Crowns an Scepters; if laughing will do it the Papacy hath a good claim, and you seem to us to admit succession in fact, a sufficient title against the most manifest obtrusion, invasion, and usurpation which can be admitted.

6. Such Divines who found Monarchie in nature, and proclaim Monarchs to be above the Law, will give you little thanks for this Argument, which estateth their Title on an establishment by law, because they are chief makers of the Law; but you proceed to further demonstration of an establishment by law.

Pa. 43. 44. 7. You say, you will venture to strike this scruple dead, by a distinction or two.

8. Your first distinction is this, *The law establisheth by appointing it* de novo, *or by allowing and granting it on all occasions.* The first you yeild; the second you hold upon, and thus inferr, *Thus the Law doth sufficiently establish the Government of the Church not onely by those special lawes which relate unto it, but indeed in every law which expresseth the consent and advice of the Lords Spirituall.*

9. A fair Establishment, most lawes do indeed express the assent and advice of the Lords Spiritual; we hope, Sir, you did not forget Lords-Abbots, and Lord Cardinal were some of them.

But, Sir, is every Hypothesis in law an undeniable position? Will Arguments, *a facto*, conclude *ad jus?* and *ab esse a jure esse?* and yet, Sir, this only concludes for Bishops, what becometh of Deans and Chapters, Commissaries and Chancellors, &c. Are these Lords spiritual in the sence of the Law; they do indeed exercise a spiritual Lordship in the Church; Will an Argument from persons of existence in such a capacity conclude an Establishment of things? Lords Spiritual were in Parliament, *Ergo*, the Government of the Church by Arch-Bishops, Bishops, Deans, Chapters, and that Hyrarchie were established by Law, will you stand by this Argument?

10. That Bishops, or Lords Spiritual were in Parliament, *De facto*, is granted, but *quo jure*, is the question, the Romans will tell

tell you by the Popes Spiritual Power, and the Covenanters think how ever they are there preſerved they were firſt planted by that Forinſecal Power.

11. Your next Diſtinction is this; *This Government as to its office is before the Law, but as to its exerciſe it is Eſtabliſhed by Laws, for its Names, Juriſdictions Crimes and Puniſhments, are mentioned in the Laws.* Pa. 4.

11. The firſt of theſe we allow you, but tell you that is the thing in debate, for the Eſtabliſhment of a Government is the Creation of ſuch an Office, in Execution of which, men ſhall have the Power, Titles, Names, and Honors of ſuch Officers: And herein your Government muſt be yielded to be the Popes Creature; for we find no Engliſh lawes which ever framed or founded the ſame.

12. As to the Exerciſe of this Government in its way and order, by Courts, Canons and viſitations, we muſt tell you we find its names, Crimes and ſome puniſhments in our *Lawes*) yet we queſtion whether it were Eſtabliſhed by *Law*) becauſe we find theſe things are inſerted into our *Lawes*) to limit, regulate and reſtraine the ſame, which exiſting from a Forinſecal Power, grew exorbitant, and called for Boundaries, from our municipal lawes which rides it with a prohibition as its bridle, and ſcourgeth it with a *premunire*; Both which Writts do know it to be a Power and Government diſtinct from that Eſtabliſhed by *Law*.

13. Sir, This is far from an Eſtabliſhment by *Law*, be not offended if we tell you Uſury hath as good an Eſtabliſhment by law as this amounteth unto, it is limited, regulated, reſtrained by law, and kept under the Cudgel of the Statutes againſt Extortion. But I pray you is it ſo eſtabliſhed by law, that the oppreſſed poor man may not ſwear, he will in his Place and Calſing endeavour the Exſtirpation of biting Uſury or pinching Prelacy.

14. *Your* third *Diſtinction is this Government Eſtabliſhed by a Statute immediately appointing ſuch a Form, or immediately by a Statute impowring a Perſon to Commiſſionate ſuch Governours to the Church.* Pag: 45.

15. The firſt of theſe you grant, your Government hath not, nor do you prove the ſecond your Argument doth at moſt conclude for Governours, and the Queſtion is about the Frame of Government: Your Proof is for Governors, indefinite, and we

have told you the Supremacy of the King may exist in, and operate by, Church Governours under other Appellations; We do not say, men must Exstirpate Governors, they may subsist, when their capacities are changed, but a full Establishment of this Special Government by Arch-Bishops, Bishops, &c. we are as ready to seek, and as farr from finding now we have read your distinctions, as we were before.

15. What you urge concerning the Common *Law*, common usage is so fully obviated by the Covenanters-Plea, that we shall say nothing to it; onely let us tell you; Prescription is a poor Fence to Usurpation, and a bad Guard for a Power in its *origo* manifestly Forinsecal. Usury is a common usage, yet no man will say, it is sinful and against law; for men to swear in their Places and Callings, they will endeavour to exstirpate an evil custome though a common usage.

Case XII.

Case 12. Pa. 47. *Whether the Covenant taken first can oblige against a future Law?*

1. IN this Case you urge an Establishment of Episcopal Government, by a Law made since the Covenant was taken; But, Sir, you herein move upon a *Petitio principii*, and conclude what we must make bold to deny.

2. We have perused the late Statutes, and finde indeed Bishops restored to some priveledges which had been denyed to them, and this Government is guarded against some Batteries to which it was obnoxous, both these are speciallities, under which the Government is left to stand on its old bottome, for it hath not received any more expres Establishment then it had before; Now, Sir, if Usery, should by a new Law, be restored to Eight *per Cent.* we hope it had not acquired any new Establishment which should make the endeavour of its exstirpation any more sinful then before.

3. We must make bold to tell you, you read without book when you say *this Government is Established by the Act for Uniformity*,

mity, that ſo much as endeavours of alteration are prohibited, & Miniſters are bound to declare, they may not ſo much as endeavour againſt it; For Sir ſimple endeavour is not by this Law prohibited, nor is this to be declared againſt, which certainly were deſtructive to the liberty of the Subject, and priveledge of Parliament, who muſt have a freedome to the alteration of Laws as they prove inconvenient.

4. This Law doth binde Miniſters to diſclaime a principle, not to diſavow a power in themſelves, to declare that the Covenant doth oblige to endeavour, not that endeavour ſhall be ſimply unlawful, they are not barred from lawful endeavours on good ground, and woful experience of the evil of this Government, but from improving the Covenant to provoke the ſame: from a ſpecial, to conclude generally, is no good Argumentation.

5. Your firſt propoſition failing, doth ſave us the labour of diſcuſſing the ſecond, how far an Oath may binde againſt Law; we ſhall only tell you that your Antagoniſts cry out that you conclude this alſo in our Caſe on a *Petitio principii*, taking for granted what they deny, As:

1. That this Governmet is in it ſelf Lawful, which they ſay is ſinful.

2. That inconveniences may not neceſſitate and warrant an alteration, and lawful endeavour to alter, or remove a thing in it ſelf lawful, and by Law Eſtabliſhed.

3. That this Oath was private and perſonal by ſingle men, and ſo ſquare to the Caſe of your Jeſuites; which they ſay, and Mr. *Crofton*, as we before told you, hath averred to be publick and National, ſworn by the people Collectively, and Diſtributively conſidered. *Analepſ. Analepth.* Pa. 133. *Sect* 6.

4. That the Oath of the people ſo ſworn, layeth no barr on the *Laws*, Decrees, or Act of the Migiſtrate, the contrary whereto Mr. *Crofton* hath aſſerted from the Oath of *Iſrael* hindring *Sauls Law*, and Oath againſt *Jonathan*, to which you have given nothing in anſwer, we think few Polititians will conclude the ſubjection of Political Children to be ſo fully and formally puerile, as you ſuppoſe it is.

6. We, Sir, inſiſt not on theſe things, becauſe we undertake not to become your opponents, we only crave leave to let you know

know, Oaths are ſacred things and Poſt-laws are a ready Papacie to abſolve them, according to your Divinity, we have ſworn allegiance to, and an acknowledgement of the Kings Supremacy, and cannot be willing his Majeſties Subjects ſhould be made to beleive a *Law* by a Queen *Mary's* Parliament will abſolve their Conſciences and Oath. Yet we are not convinced that it is ſimply unlawful for Princes to give up their power, or part thereof unto ſome forreigne Porentate, but we forbear becauſe theſe ſtrings are not ſtruck with Prudence or Piety; Theſe affirmed ſound Atheiſm and Irreligion, theſe denied ſound Treaſon, or at leaſt Sedition.

Caſe XIII.

Caſe 13th Pa. 60.

Whether ſubmitting to the Penalty annexed, be a due fulfilling or obeying the Law in the point of Conſcience.

1. SIr, To what you urge againſt us in this Caſe, we ſay, Firſt you ſuppoſe that to be in the Law which we finde not to be in it, as we have before noted.

2. you ſtate your Caſe to narrow, when you confine it to a ſingle Act, of obedience to a ſingle Law, we well know who ſo ſuffers by a Law, ſuffereth as a tranſgreſſour of the Law, which is fulfilled by puniſhing him, whoſe Act was not conforme unto it; The Caſe, *Sir*, we conceive ought to be thus ſtated.

Is not a quiet and chearful ſubmiſſion to the Penalty aſſigned by a Law commanding an Act which conſcience (judging ſinful) doth inhibit a formal Act of that Conſciencious obedience, Chriſtianity bindeth us to yeild to all *Superiors*.

This *Sir* was the honour of the Chriſtian Leagions, that they were willingly led by droves to the Slaughter-houſe, and did not run into Mutinious and Rebellious routes, though armed with power when commanded to ſin, Chriſtians as Chriſt have a formal obedience unto the Croſs; This Sir is yet our Comfort, though we be tranſgreſſours to this ſingle *Law*, we are by *Loyalty* and

and ſincere obedience reſigned in the to will of our Soveraigne Lord the King, and Conſcience to do what is commanded, or cheerfully to ſuffer what is adjudged, is the ſecurity of human peace, and order.

Caſe XIV.

Whether to endeavour the Extirpation of Church Government by virtue of the Covenant, notwithſtanding the Laws to the contrary, be not againſt the Priviledge of Parliament and conſequently ſinful. Caſe 14th. Pa: 67.

1. THis Sir you affirme, and about it make many words, which yet reach not the leaſt ſatisfaction to our minds becauſe you take for granted things denyed.

Firſt, That the Covenant was an Oath private and perſonal; good Sir will you pleaſe to tell us, whether *England* is not a ſubject capable of a real Oath, as well as other Nations, conſider the nature of a real publick & National Oath, may it not binde all Succeſſours to, or againſt ſome ſpecials? Was the Law of *Saul*, the Princes of *Iſrael* againſt the *Gibeonits* to be juſtifyed? Why ſhould they and all other Conventions of them be bound by the Oath of *Joſhua*, and the Princes with him? Pray? Reſolve Mr. *Croſton* that the Solemne League and Covenant is not *Inſtrumentum*, real.

Again, Sir, is the *Conatus* of a private capacity conſiſtent with the freedome of all Parliaments? This ſo pinched upon you that you are conſtrained to cry, then keep your Covenant, yet you call on us to declare we are not bound to endeavour.

Sir, weigh well theſe two, that *Conventus Anglorum* may binde themſelves and ſucceſſours, and lawful endeavour is *ſui juris* to every man, and evince the Injuſtice or violence done to priveledge of future Parliaments if you can.

Caſe XV,

Case XV.

Whether it be lawful to endeavour the Extirpation of Episcopacy by vertue of the Covenant, notwithstanding the Act of Parliament.

Case 15th. Pa. 74.

IN this Case, Sir, we cannot but observe you do, *Magno conatu sudare de verbo*, sweat much at the Word Endeavour; endeavouring to avoid it rather than understand or explain; After which you not only leave us unsatisfyed, but engaged more then you found us.

2. Sir, You cannot possibly deny but that there are more wayes of Endeavour then by Violence and Sedition, though you keep such only in your eye, and have an heart so affected against the Covenant, that you could wish there were no other; and seem pinched that your Antagonists do explain Places and Callings, to limit Endevour to Acts just and lawful, Yet you are constrained to tell us to such Endeavours the Covenant doth binde, and the Act doth not require us to disclaime.

3. You have professed to explain the meaning of this word *Endeavour*, and appear angry that none hath done it before, and yet you have not given us any Etimologie, Acception, or Interpretation of the word, only you have pitched on some special Acts, by which endeavour may operate, which in the height of prejudice you improve to shew your disaffection to the Covenant without giving the least satisfaction to those for whose sake you profess you have written.

4. After all that is said by you, we must enquire if any of the Acts of endeavour, you observed be lawful; or, if there be lawful Acts of endeavour, which you have not observed; Must we disclaime them? Are not these positive duty? You have determined these in the Affirmitive; But Sir, we will goe to the utmost: Is it no possible for those very Acts which bear in your eyes the worst aspect to become lawful endeavours, (*viz.*) The Minister to preach, the Lawyer to plead, and the Souldier to fight against Episcopacy, if by any previous endeavours, King and

and Parliament can be perſwaded to exſtirpate this Government, and they make Laws to pluck it up, but its ſubjects are ſtubborne, and Rebell-raſing *Bellum* meer Epiſcopal, ſo that lawful Authority requireth theſe Acts, from theſe Agents in their places and Callings to the utmoſt of their power, and unto their lives end. Sir, the limitation of Endeavour in the Covenant is ſo ſquare to Reaſon and Religion, that rage may rend it Religious, reaſon cannot releaſe the Covenaters from it.

5. Sir that we may if poſſible obtain ſatisfaction, we ſhall give our apprehenſions of this Clauſe in the Covenant, that if you can evince our error or its ſinfulneſs, you may pleaſe to do it.

6. Sir, The words of the Covenant are theſe, *Wee ſhall in like manner*, that is, *ſincerely, really, and conſtantly, through the Grace of God in our Places and Callings, endeavour the Extirpation of Prelacy*, viz. *Church Government by Arch-Biſhops, Biſhops, their Chauncellors and Commiſſionaries, Deanes, Deanes and Chapters, Arch-Deacons, and all other Eccleſiaſtical Officers depending on that Hierarchie.*

7. This promiſe containeth in it the Act Endeavour, the Object Exſtirpation, the quaile of the Act ſincerely, really, and conſtantly, Through the Grace of God in our Places and Callings.

8. The Act is *Endeavour*, an Act general and indefinite, a word eaſy and plain to be underſtood, and of a large Signification, an Act within the reach of every mans Arme, to be done by men in any Calling, or Capacity; and able to employ the utmoſt power and skill, the Latin word is *Conamen*, or *Conatus*, the Greek πεῖρα or πείρασμος Temptation, and in the Hebrew קנה acquiſition by all or any means, it Signifieth a perſonal Act, the leaſt perſonal Act, and the utmoſt perſonal Act what we can, and all that we can do, it intendeth not the effect, but a motion towards the effect; the leaſt motion of our ſelves, and Natural power to that effect, a ſimple *Conari* to which *Manibus pedibuſq́* is an Adjunct like that in *Terence, timet ne ſe deſeras p. egone iſtuc conari queam*, I cannot ſo much as endeavour it, this is the Act promiſed generally and indefinitely, without thoſe ſpecial Acts by which it muſt operate.

9. This Act may be feeble feigned Language, and by ſinful

means, It is therefore in the Covenant qualified with ſincerity, reallity, and conſtancy, ſuch as may be animated by the Grace of God, and muſt be lawful in our places and callings; So that unlawful Acts of Endeavours are abandoned, and all Hypocriſie, Luke-warmneſs, and Inconſtancy of Endeavour are to be avoided.

Analepſ. Analepth. Pag: 37.

10. Upon the conſideration of the Act Endeavour, and its qualification, We ſee not how Mr. *Craftons* interpretation can be avoided; We have in the Covenant ſworn with very much caution, not to effect, but in our Places and Callings, to endeavour: But this muſt not be by a bare wiſh for purity, and then welcome corruption, a conſent to Reformation, and then a compliance with Superſtition, a faint refuſal, & then free reception of the eſtate to be Exſtirpated, no it muſt be a ſtout and ſtrenuous endeavour, withal force and fervour, as Dr. *Saunderſon* in this caſe well noteth; *Obligat hoc genus juramenti non ad effectum quem ſupponimus eſſe impoſſibilem, ſed ad conatum quem dieu ſpes nulla ſuperat; imo quo plures & majores abijciuntur difficultates, ea abnixius conandum, & fortioribus animis eb intendum eſt.*

11. You ſee, Sir, the promiſe in the Covenant explained; and it is plain that the Covenanted-endeavour is by the Declaration to be diſclaimed, nor will this diſclaimer admit of any ſence in which you endeavour to conſtrue it; the Covenant bindeth to a general and indefinite endeavour, yet this, Miniſters muſt as generally and indefinitely diſclaim and declare againſt, which we (conſidering endeavour is *ſui juris* to the meaneſt Subject, and moſt private man; and this endeavo covenanted, muſt be orderly and regular in their places, and callings; and Religious, through the Grace of God) cannot conſent to diſclaim and delare a *non Obligation* on them who ſwear it.

12. Sir, Having conſidered the Act, we bear ſuch affection to Epiſcopacy, that we would have paſſed by the Object of this Covenanted Act; You are pleaſed to tell us it is a change in the Government: By altering ſome things and letting the frame ſtand, not of the Government by pulling it down; And this ſence you ſay you gather from ſome moderate Covenanters, who openly declared on a ſolemn occaſion, that might they ſee any material alteration in the Government, they ſhould hold themſelves ſatisfied as to the Covenant in that point.

13. Sir

13. *Sir*, Can the Declaration of ſingle perſons though Covenanters determine a ſence upon the Covenant, which the Logical reſolution, and Grammatical conſtruction of the words will not allow; We cannot but commend Mr. *Croſtons* Candor (be his Prudence what it will) nor do we ſee how his Interpretation can be fairly avoided, Prelacy (a terme though general in its ſignification, yet by long and common appropriation as obvious to vulgar capacity to denote a ſpecial kind of Government in the Church, as Tyranny in the Common-Wealth.) reſtrained by a particular denomination, Hierarchy and ſpecifical deſcription of its enumerated parts, Arch-Biſhops, Biſhops, Deans, Deans and Chapters, Commiſſaries, Chancellors, and other Officers depending thereupon, not in *ſenſu compoſito* (that the removeal of any one Officer might ſerve,) but *ſenſu complexo* the Government containing theſe is to be exſtirpated not by mutation, mutilation, limitation, or regulation, but utter abolition, *una cum ſtirpe evellere.*

14. Sir, If the ſence of the Covenant were ſo far as you do ſuggeſt, we can the leſs declare its *non obligation*; for that is, to diſclaim what you cannot but on as good and true, and to determine it doth not bind, wherein it is manifeſt it doth bind thoſe who took the ſame, and your ſelf dare not deny its Obligation.

Caſe XVI.

whether the Covenant be not againſt the Liberty of the Subject in this particular, and therefore ſinfull in its matter. *caſe 16th* Pa. 89.

1. THis you affirme, and to make good your Argument, you tell us of the hard uſage the Biſhops met withal, being thrown out of the Houſe of Lords, &c. But, Sir, What is this to the Covenant, they were thus uſed before the Covenant formed, and by the conſent of the King; if they met with Injuſtice and Violence ſhall the Covenant be blamed, it bound to no ſuch thing, though to the an endeavor of Exſtirpati-

on of the Government, by all just and lawful means.

2. You tell us the Bishops and their dependents were a society, had and their Free-holds and Intereſts. But, Sir, remember it was, *Qua tales* as Bishops, and sure, Sir, you will not deny this as all other societies are fully, *Sui Iuris*, to Parliament, as to their very *esse*, as well as Jurisdiction or Administration, to be wholly disposed at their will, and by their Power; We cannot beleive, Sir, you will in cooll blood, and on second thoughts say, that for the King or Parliament to swear to Exstirpate any society, it is as if a man should swear to bring me his Neighbours Horse; Mr. *Crofton* hath averred Episcopacy to be more fully and formally the Right of Parliament or King to dispose of.

3. You say, The Petition of Right tells us, it is contrary to the Liberty of the Subject to have an Oath imposed without an Act of Parliament; But, Sir, Mr. *Crofton* hath told you and us, that the Petition of Right tells us no such thing, he saith the words of the Petition are these; Whereas many of them have had an Oath Administred unto them, not Warrantable by the Lawes and Statutes of this Realm; And he Affirmes this Petition complaineth of some special Oath, *Ex officio*, or for discovery of the Subjects Oath, he further tells us that Colledges and Corporations, constituted by the Kings Charter, give Oaths, which the Petion of Right complained not against, and yet they were not imposed by Act of Parliament; We do not believe you will say these are against the Liberty of the Subject. Sir herein we must tell you your Argument is manifestly prevented by what Mr. *Crofton* had said, and so indeed in most that you have written on this, as on your other Cases.

Annalepſ. *Annalepth:* Pa. 115:

Case XVII.

Case XVII.

Whether the matter of the second Article in the Covenant be not against former Obligations, and consequently Sinful. Case 17th: Pa. 98.

1. THis you affirm, and to prove it, you pretend to a threefold Obligation, to which the Covenant is repugnant, *viz.* To obey Authority, to keep our Oaths and Promises, and to serve the Church.

2. The first you build upon your former Principles, that the matter of the Covenant is against the Right of the King, the Laws of the Land, Priveledge of Parliament, and liberty of the Subject; which we conceive are all laid in the dust, your Conclusion must needs fall with your Promises.

3. For the Oaths and Promises which were first upon us, you specifie the Oath of Allegiance, Supremacy, and the Protestation: 5 *May* 1641. In all which you are so fully prevented by Mr. *Crofton*, who hath noted them to be consistent with the Covenant, that we cannot but wonder you should with such confidence impose on us, without a full answer to what is said by him.

4. One thing we must not pass, *viz.* Your Observation that the Protestation, was imposed by the same power, and taken by the same persons, generally who took the Covenant, which is enough by Mr. *Croftons* Logick, to make it publick and National; Sir, we believe Mr. *Crofton* would not stick to allow you the Nationality of the Protestation; yet we observe it wants one material thing in Mr. *Croftons* account, necessary to constitute *Juramentum reale*, and therein it doth differ from the Covenant: The Protestation was sworn with an *I. A. B.* by that personal name, which perished with the Takers thereof; but the Covenant was sworn by those real Capacities, Noble-men, Knights, Gentlemen, Citizens, Ministers of the Gospel, and Commons of all sorts, which pass, and will pass to our Successours, whilst *England* is *England*.

4. Your

4. Your laſt Oligation is our ſervice to the Church, ſuperſeded by the Covenant; But, Sir, you do not tell us whether it be Natural or by Accident, mans Corrupt nature interpoſing between that Act and our Service to the Church. Sir, we conceive the beſt of Actions may be as capable of an *Impeditivum boni*, by the intervenient inhibiting Decree of *Caeſar*; and we are to be ſatisfied, that in that caſe, the guilt of non ſervice to the Church is chargeable on our Soul, we may not ſin that good ſhould come thereof.

The Concluſion.

Concluſion:

WE have, Sir, conſidered your great undertaking, to charge Sin on the matter of the Covenant, in which, Sir, we muſt ſay you have not ſpoken any thing of ſatisfaction to us, nor Rational contradiction to thoſe whom you pretend to Anſwer.

2. Finding the matter of the Covenant lawful, we are not ſolicitous concerning the Mode of its impoſition; we could eaſily declare what in that Caſe is required from us; We therefore not appearing as your Antagoniſts, but ſeeking ſatisfaction to our main doubt, which is, how we can declare the Covenant doth not oblige us nor any other perſon to Endeavour, ſhall abide wholly ſilent as to your next three Caſes concerning the Act and power of the two Houſes, the unlawfulneſs of the Oath, and illegality of the Impoſition.

3. We are, Sir, ſorry to ſee you ſo obnoxious in many expreſſions, to correction of your Antagoniſts, if any of them durſt be ſo hardy as to undertake an anſwer to you, as indeed you are; But, Sir, this is not our work, we are ſatisfied in our ſelves, that howſoever men count us, *Fures*, *Feloues*, and Proditors, *de ſe*, we can appeal to our Judge, Conſcience is the cauſe of our choice of that ſad condition in which we are; Whilſt we can conclude with that learned Caſuiſt the late Reverend Biſhop of *Lincoln*, *Juramentum de re non illicita, fit aliunde illicitum, ex aliquo externo defectu, vel propter aliquam indebitam circumſtantiam reſpectu actus jurandi poſſit obligare, jurantem ad implendum quod promiſit*: though

though we were not advancers of the Covenant, when first imposed, though we are no Advocates for the Covenant to be disclaimed, we are Expectants of Gods avengement of the Covenant now it hath been taken; and do beleive it is presumption, *Non ferenda quod pulvis & cinis assumeret potestate in anferendi obligationem qua homo obligatur Deo*: We therefore yet dare not, cannot, will not declare the Covenant doth not oblige me or any other person to endeavour our alteration of the Government in the Church, But if you have more clear demonstrations that we may so do; We have attention and consideration for the same, we are, *Sir*,

Your Brethren praying for the Peace,
though not conforming to the whole,
of the order of Englands *Church.*

Oct. 16. 1662.

M. D.
S. C.
I. F.
O. R.
A. T.

FINIS.